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09/767,959	01/24/2001	Vern Cunningham	13582	2793

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EXAMINER

CHOI, JACOB Y

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/767,959

Applicant(s)

CUNNINGHAM ET AL.

Examiner

Jacob Y Choi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39, 41, 42 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 40, 43 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, an adjustable blind is provided between the additional light and the sensor such that the increase in ambient light caused by the additional light and received by the sensor reduced & isolation means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Note: blind (120) shown in Figure 4 but detail of the adjustable blind is provided between the additional light and the sensor such that the increase in ambient light causes by the additional light and received by the sensor reduced is not shown.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

Art Unit: 2875

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2, 15, 14, 16-18, 20-25, 27, 28, 30-39, 41, 42 & 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Blackman et al. (USPN 6,010,228).

Regarding claim 1, Blackman et al. discloses a light (96) powered by an electrical circuit (Figures 4 & 11) connected to the connection, and a rectangular frame (20) through which the electrical component is accessible (122), the frame having a side with a depth (92 / 68) sufficient to house the light, and an aperture in the side (Figure 2) allowing the light to illuminate a space outside the frame assembly through the aperture (Figure 1).

Regarding claim 2, Blackman et al. discloses the frame house the electrical circuit.

Regarding claim 15, Blackman et al. discloses the component is an electrical switch (112).

Regarding claim 14, Blackman et al. disclose a light (96), an electrical circuit (Figures 4 & 11) providing electrical energy to the light from a power source (62), a rectangular frame (20) through which the electrical component is accessible (122, 412a), the frame housing the electrical circuit, the frame having a side with a depth (92/ 68) sufficient to house the light, and the frame having an aperture in the side (Figure 2)

Art Unit: 2875

allowing the light to illuminate a space outside the frame assembly through the aperture, and a cover plate (438, 638) for covering the frame and for providing access to the components of the wall conduit.

Regarding claim 16, Blackman et al. discloses a rectangular frame through which the component is accessible, and a light wherein the rectangular frame has a side that has sufficient depth to house the light, and wherein the side has an aperture for allowing the light to illuminate outside the frame through the aperture.

Regarding claim 17, Blackman et al. discloses the component is an electrical outlet (412a).

Regarding claim 18, Blackman et al. discloses the component is an electrical switch.

Regarding claim 20, Blackman et al. discloses a substantially flat cover for covering access through the frame to the component.

Regarding claim 21, Blackman et al. discloses the cover is a standard-front cover for the component.

Regarding claim 22, Blackman et al. discloses a rectangular frame through which the component is accessible, and a light, wherein the rectangular frame has a side that has sufficient depth to house the light, wherein the side has an aperture for allowing the light to illuminate outside the frame through the aperture.

Regarding claim 23, Blackman et al. discloses a cover (438, 638) for covering access to the component while permitting access to that portion of the component requiring access during use.

Regarding claim 24, Blackman et al. discloses an electrical outlet with an electrical connection, and the electrical connection is that part of the electrical outlet that requires access during use.

Regarding claim 25, Blackman et al. discloses the component is an electrical switch with an electrical actuator, and the electrical actuator is that part of the electrical switch that requires access during use.

Regarding claim 27, Blackman et al. discloses the component is an electrical outlet with one or more electrical connections, and the electrical connections are that part of the electrical outlet that requires access during use.

Regarding claim 28, Blackman et al. discloses the component is an electrical switch with an electrical actuator, and the electrical actuator is that part of the electrical switch that requires access during use.

Regarding claim 30, Blackman et al. discloses the cover and frame are integrated.

Regarding claim 31, Blackman et al. discloses spacers (38, 34, Figure 3) extending from the frame such that the component is held in a desired position relative to the cover.

Regarding claim 32, Blackman et al. discloses a substantially flat base plate extending inwardly from the rectangular frame, the component being accessible through the rectangular frame and the base plate, and spacers (38, 34, Figure 3) extending from the base plate such that the component is held in a desired position relative to the cover.

Regarding claim 33, Blackman et al. discloses the spacers are hollow (34) and the hollow is positioned such that fastening means (42) may be inserted through the component and the hollow.

Regarding claim 34, Blackman et al. discloses the rectangular frame is dimensioned to cover a wall conduit for an electrical box.

Regarding claim 35, Blackman et al. discloses the rectangular frame is dimensioned to cover a wall conduit for an electrical box.

Regarding claim 36, Blackman et al. discloses the frame further houses a power circuit for powering the one or more lights from the electrical connection.

Regarding claim 37, Blackman et al. discloses the frame further houses a light sensor (104), the frame having sensor aperture through which the sensor senses ambient light external to the frame.

Regarding claim 38, Blackman et al. discloses the frame further houses a power circuit that powers the lights when the sensor senses the ambient light (104) external to the frame is low.

Regarding claim 39, Blackman et al. discloses an additional light (96a-96e) is housed within the frame and the frame has a corresponding aperture such that the additional light increases the ambient light received by the sensor.

Regarding claim 41, Blackman et al. discloses the light comprises a light emitting diode.

Regarding claim 42, Blackman et al. discloses the LED is attached to a printed circuit board (92) and the LED extends into the side aperture.

Regarding claim 45, Blackman et al. discloses the sensor aperture is in a sensor side of the rectangular frame opposite the side of the rectangular frame having the light.

Regarding claim 46, Blackman et al. discloses isolation means (Figures 4 & 11) between the power circuit and the component in the event of power circuit failure.

Regarding claim 47, Blackman et al. discloses the frame houses a routing channel for wires connecting the power circuit and the lighting circuit such that the wires are physically separated from the component.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-13, 19, 26 & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman et al. (USPN 6,010,228) in view of Suchy (USPN 4,664,457).

Regarding claims 3 & 19, Blackman et al. discloses a light powered by an electrical circuit connected to the connection, and a frame for housing the light, the frame having an opening allowing access to the component through the frame, a side and an aperture in the side allowing the light to illuminate a space outside the frame



Art Unit: 2875

assembly through the aperture. Blackman et al. discloses the claimed invention except for the component is a vacuum wall valve. Suchy teaches that it is known to modify outlet assembly, including both vacuum system and power outlet, with a light (77) to illuminate a space outside the frame assembly through the lens (79). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use modification in Blackman et al., as taught by Suchy in order to provide illumination a space outside the frame assembly. One in ordinary skill in the art would have recognized the wall conduit may include a vacuum wall valve of Suchy, electrical switch, or electrical outlet and combining frame member of Blackman et al. with well known wall conduits would have been obvious.

Regarding claim 4, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Suchy discloses the electrical circuit provides power to the light during a portion of an AC signal having a first polarity and provides power for activation of an external vacuum system on a second portion of the AC signal having a second polarity.

Regarding claim 5, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses a second electrical circuit providing sufficient power for at least two lights (96a-96e).

Regarding claim 6, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Suchy discloses the electrical circuit further controls activation of an external vacuum system and provides power to the light.

Regarding claim 7, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses the electrical circuit (Figures 4 & 11) further comprises a control arrangement to selectively activate the light.

Regarding claim 8, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses the control arrangement utilizes a sensor (82, 106).

Regarding claim 9, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses the control arrangement utilizes a switch (86).

Regarding claim 10, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses the light and an electrical connection to the wall conduit are connected in series to the electrical circuit (Figures 4 & 11).

Regarding claim 11, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses the light is a plurality of light emitting diodes (96a-96e).

Regarding claim 12, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses the frame houses the electrical circuit.

Regarding claim 13, Blackman et al. in view of Suchy discloses the claimed invention, explained above. In addition, Blackman et al. discloses the component is a wall outlet (Figure 8).

Regarding claims 26 & 29, Regarding claims 3 & 19, Blackman et al. discloses a light powered by an electrical circuit connected to the connection, and a frame for housing the light, the frame having an opening allowing access to the component through the frame, a side and an aperture in the side allowing the light to illuminate a space outside the frame assembly through the aperture. Blackman et al. discloses the claimed invention except for the component is a vacuum wall valve. Suchy teaches that it is known to modify outlet assembly, including both vacuum system and power outlet, with a light (77) to illuminate a space outside the frame assembly through the lens (79) and the component is a vacuum wall valve with a hose connection, and the hose connection is that part of the vacuum wall valve that requires access during use. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use modification in Blackman et al., as taught by Suchy in order to provide illumination a space outside the frame assembly. One in ordinary skill in the art would have recognized the wall conduit may include a vacuum wall valve of Suchy, electrical switch, or electrical outlet and combining frame member of Blackman et al. with well known wall conduits would have been obvious.

***Allowable Subject Matter***

7. Claims 40, 43 & 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the claims recite an adjustable blind is provided between the additional light and the sensor such that the increase in ambient light caused by the additional light and received by the sensor reduced, in claim 40 and claim 43 recite the LED is a plurality of LEDs and the side aperture is a series of side aperture, one aperture for each LED, and each LED extends into its respective side aperture. Because none of the references cited disclose the detailed structural limitations of an adjustable blind or one aperture for each LED, nor is there any motivation to combine them, the claims are deemed patentable over the prior art of record.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

10. The indicated allowability of claims 3-12 is withdrawn in view of the newly discovered reference(s) to Blackman et al. (USPN 6,010,228). Rejections based on the newly cited reference(s) described above.

### ***Conclusion***

Art Unit: 2875

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Radabaugh (USPN 5,349,146) – combination electrical and suction hose wall outlet with LED light

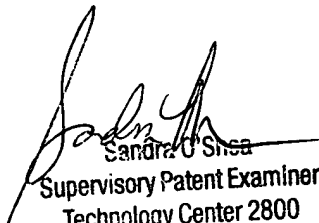
Hayden (USPN 4,758,170) – current carrying inlet valve for central vacuum system

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC  
January 10, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800